

04-05-07

AP 90



NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Attorney Docket No.: UCSD1140-1	
In re Application of: Robert K. Naviaux		Application No: 09/889,251	
Application No: 09/889,251		Filed: November 1, 2001	
For: METHOD OF TREATMENT OF MITOCHONDRIAL DISORDERS			
Group Art Unit: 1614		Examiner: Phyllis G. Spivack	

Applicants hereby appeal to the Board of Appeals from the decision dated October 3, 2006 of the Examiner rejecting claims 67, 70, 73-81, 84-91 and 95-110.

1.	<input checked="" type="checkbox"/>	Appeal Fee (37 C.F.R. 1.17(b))					
		Other than small entity					\$500.00
	<input checked="" type="checkbox"/>	Small entity					\$250.00
2.		A petition and fee for an extension of time for reply to the rejection is attached.					
	<input checked="" type="checkbox"/>	Extension Fee (37 C.F.R. 1.17(a))					
		Other than small entity					
		\$120.00	\$450.00	\$1,020.00	\$1,590.00		
	<input checked="" type="checkbox"/>	Small entity					
		\$60.00	\$225.00	<input checked="" type="checkbox"/> \$510.00	\$795.00		

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CERTIFICATE OF MAILING BY "EXPRESS MAIL"	
"EXPRESS MAIL" LABEL NUMBER <u>EV 876 964 390 US</u>	DATE OF DEPOSIT <u>April 3, 2007</u>
I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.	
<u>JOSHUA GIBBS</u> (TYPED OR PRINTED NAME OF PERSON MAILING PAPER)	 (SIGNATURE OF PERSON MAILING PAPER OR FEE)

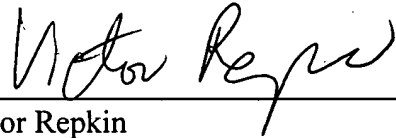
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3.	<input checked="" type="checkbox"/>	Enclosed is check number 585265 in the amount of \$700.00 as payment for the Notice of Appeal fee (\$250.00) and the Three-month Petition for Extension of Time fee minus the One-month Extension of Time fee previously paid (\$450.00). No other fees are deemed necessary with the filing of this paper. However, the Commissioner is hereby authorized to charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. <u>07-1896</u> . A copy of the Transmittal sheet is attached.
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Respectfully submitted,

Date: April 3, 2007



Victor Repkin
Registration No. 45,039
Telephone: (858) 638-6664
Facsimile: (858) 677-1465

DLA PIPER US LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO CUSTOMER NUMBER 28213